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Trevor P Martin

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NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TREVOR P. MARTIN and BEHNAM AZWINE

Appeal 2009-011158
Application 10/549,365
Technology Center 2100

Before ALLEN R. MACDONALD, GREGORY J. GONSALVES, and
ERIC B. CHEN, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

DECISION ON APPEAL

This is an appeal under 35 U.S.C. § 134(a) from the final rejection of claims 1-11, all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b). We reverse.

Appellants' invention relates a method for generating and updating a concept dictionary to assist in selecting queries and query terms. (Spec. Abstract.) A lexical reference source is used to generate queries semantically related to a query entered by a user, and the answers returned for each query are analyzed to determine semantic relationships between the queries. (Spec. Abstract.) The queries and the determined relationships are recorded in a concept dictionary for subsequent use. (Spec. Abstract.)

Claim 1 is exemplary (with disputed limitations in *italics*):

1. A method of generating a concept dictionary for use in querying an information system comprising:
 - (i) receiving an information search criterion;
 - (ii) deriving from said received search criterion, using a lexical reference source, at least one different search criterion having related meaning to said received search criterion;
 - (iii) identifying a set of information in said information system relevant to said received search criterion and a different set of information in said information system relevant to said at least one derived search criterion;
 - (iii) *analyzing the identified sets of information and deriving from similarities and differences therebetween relationships between said received search criterion and said at least one derived search criterion in the context of said information system; and*
 - (v) storing, in a concept dictionary, information relating to said received and said at least one derived search criterion and to respective said derived relationships therebetween, for use in querying said information system.

Claims 1-11 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Shanahan (U.S. Patent Application Publication No. 2003/0033288).

With respect to independent claim 1, we are convinced by Appellants' arguments (Br. 11-14) that Shanahan does not teach the limitation "analyzing the identified sets of information and deriving from similarities and differences therebetween relationships between said received search criterion and said at least one derived search criterion in the context of said information system."

The Examiner found that Shanahan teaches all the features of independent claim 1. (Ans. 3-4.) In particular, the Examiner found that paragraphs [0513], [527], [0366] and the Abstract of Shanahan teaches "analyzing the identified sets of information and deriving from similarities and differences therebetween relationships between said received search criterion and said at least one derived search criterion in the context of said information system." (Ans. 3, 7-11.) We do not agree.

Claim 1 recites "received search criterion" and "one different search criterion." In other words, claim 1 requires two separate "criterion" for "analyzing."

Shanahan describes an "auto-completion system" that uses contextual information surrounding a fragment, such that a query is formulated to identify entities in a database to complete the fragment. (Abstract.) Shanahan also describes an "auto-correction system" that uses contextual information from identified errors, such that a query is formulated to identify entities in a database to correct the error. (Abstract.)

Shanahan describes “Document-Centric Auto Correction” (§ [0505]) to “identify[] and correct[] errors in the text object” (§ [0512]; fig. 51). Initially, a “text object is tokenized to a list of words” (§ [0512]) and if the word has not been previously corrected, “a query for the word is formulated” that “involves generating a query string that includes context information obtained from content that surrounds the word in the text object.” (§ [0513].) “[T]he highest ranked results are evaluated to determine whether any or one in particular satisfies or best satisfies evaluation criteria.” (§ [0514].)

Shanahan also describes “User Directed Enrichment” (§ [0520]) to “formulate[] directed searches on heterogeneous sources of information such as the World Wide Web, and proprietary databases while authoring a document” (§ [0521]). Ranking of such searches can include “an alphabetical ordering, a predefined user specified ordering, a quality ordering . . . , preferred customer ordering, and privacy ordering” (§ [0527].)

Shanahan further describes a “Text Categorizer” (§ [0360]) that “assigns a document [3612] one or more classes [3620] in a set of classes that are defined in an ontology represented in knowledge base 3622” (§ [0361]). An “approximate reasoning module 3618 accesses a knowledge base 3622 that records variables (i.e., document features and associated frequencies) that are used to define a function that models the mapping from the document 3612 . . . to a class in an ontology.” (§ [0366].)

However, the Examiner has not provided an adequate explanation or rationale as to how the Abstract, the “Document-Centric Auto Correction,” the “User Directed Enrichment” or the “Text Categorizer” teach “analyzing” two separate criterion (i.e., the claimed “received search criterion” and “one

derived search criterion”). Although the “Document-Centric Auto Correction” and the “User Directed Enrichment” rank the results of a query (i.e., corresponding to analysis of the “received search criterion”), the Examiner has not provided an adequate explanation or rationale as to how the results of a query corresponding to the claimed “one derived search criterion” are ranked.

Therefore, we cannot agree with the Examiner that Shanahan teaches “analyzing the identified sets of information and deriving from similarities and differences therebetween relationships between said received search criterion and said at least one derived search criterion in the context of said information system.”

Accordingly, we reverse the rejection of independent claim 1 under 35 U.S.C. § 102(e). Claims 2-10 depend from claim 1 and we reverse the rejection of these claims under 35 U.S.C. § 102(e) for the reasons discussed with respect to claim 1.

Independent claim 11 recites limitations similar to those discussed with respect to independent claim 1. We reverse the rejection of this claim for the reasons discussed with respect to claim 1.

DECISION

The decision to reject claims 1-11 is reversed.

REVERSED

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